



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,853	07/28/2006	Paolo Molendi	82062-190	7337
24633	7590	02/18/2009		
HOGAN & HARTSON LLP			EXAMINER	
IP GROUP, COLUMBIA SQUARE			MCCLENDON, SANZA L	
555 THIRTEENTH STREET, N.W.				
WASHINGTON, DC 20004			ART UNIT	PAPER NUMBER
			1796	
			NOTIFICATION DATE	DELIVERY MODE
			02/18/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dcptopatent@hhlaw.com  
rogruwell@hhlaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/567,853	<b>Applicant(s)</b> MOLENDI, PAOLO
	<b>Examiner</b> Sanza L. McClendon	<b>Art Unit</b> 1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 01 December 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-4,8-12 and 14-37 is/are pending in the application.

4a) Of the above claim(s) 14-31 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4,8-12 and 32-37 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/06)  
 Paper No(s)/Mail Date 12/08

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Please note the examiner in this case has changed. The new examiner is Sanza McClendon and can be reached at 571-272-1074. In response to the Amendment received on December 1, 2008, the examiner has carefully considered the amendments. The examiner acknowledges the cancellation of claims 5-7 and 13 and the addition of new claims 34-37. Additionally, the abstract filed 12/01/2008 is acknowledged and as such the objection to the specification has been withdrawn. The claim rejection under 35 U.S.C. § 112, 2nd paragraph for claims 1-33, as well as, the objection to claims 5-8 and 11 have been overcome by the amendment and has hereby been withdrawn for consideration.

***Response to Arguments***

2. Applicant's arguments, see Remarks/Arguments, filed December 01, 2008, with respect to the rejection(s) of claim(s) 1-33 as found in the office action mailed June 30, 2008 been fully considered. Since applicant has amended the claims the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Flosbach et al (6,332,291); Inoue et al (6,225,392); and Flosbach et al (6,815,501) please see find the rejections below.

Applicant appears to be arguing the obviousness rejections under 35 USC 103(a) over Flosbach et al with Inoue et al and Huybrechts et al do not render the instant claims obvious in view of the prior art. The primary reference Flosbach et al fails to teach the addition of Irganox 1010, Tinuvin 400 and BYK UV 3500. The secondary reference to Inoue et al fails to remedy this deficiency since Inoue et al fails to teach the addition of said compound. Inoue et al has been relied upon to show the addition amounts of the hydroxyl resin in a clear coat composition. Applicant is correct in that

Inoue et al does not teach the addition of Irganox 1010 therefore the rejection has been withdrawn.

Applicant argues the combination of Huybrechts et al, which teaches the addition of Irganox 1010 in an scratch resistant clear coat for automobile repair, and Flosbach et al is not combinable (in summary) because the cited reference compositions are drastically different the addition of the Irganox 1010 from Huybrechts et al as chemical ingredients into the formulation of Flosbach et al would be unpredictable. Additionally arguing, because there is no guidance as to which antioxidant to use from Huybrechts et al one of ordinary skill would not know exactly which antioxidant to choose from the teachings of Huybrechts, as well as, not knowing the parameters for the addition of such as compound, i.e., temperature, mixing mechanism, and the others found in the arguments. Applicant also argues that same arguments for the addition of the Tinuvin 400 and BYK UV 3500.

The examiner respectfully disagrees. The combination of Flosbach and Huybrechts et al still works and is obvious:

- Huybrechts et al only teaches the addition of one type of antioxidant, i.e. Irganox 1010.
- Huybrechts et al has bee relied upon to show that it is known in the art to use antioxidants such as Irganox 1010 in clear coat compositions comprising hydroxylated resins and curable by exposure to radiation used for applications such as vehicle repairs.
- Applicant's arguments regarding the addition parameters are moot since applicant is claiming a composition and not a method of mixing or making a composition.
- Regarding the unpredictable nature of the final formulation with addition of an antioxidant is not clear. Irganox 1010 and most antioxidant unless specified are non-reactive ingredients and there properties are already known, i.e., hindering oxidation in a composition and/or coating. In addition, the courts have upheld that it is obvious to add a known ingredient for there known properties--see In re Linder 173 USPQ 356 and In re Dial et al 140 USPQ 244.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-4, 8-12, and 32-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 34-37 contains the trademark/trade names Irganox 1010; Tinuvin 400; and BYK IV 3500. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112,-second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982).

The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe antioxidants, light stabilizers and leveling agents, respectfully and, accordingly, the identification/description is indefinite.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-4, 8-12, 32-34 and 36 and under 35 U.S.C. 103(a) as being unpatentable over Flosbach et al (6,332,291) in view of Inoue et al (6,522,392) and Flosbach et al (6,815,501).

7. Flosbach et al (herein after Flosbach'291) sets forth automotive lacquers that are transparent and radiation curable, wherein said lacquer comprises:

- A hydroxyl containing (meth) acryloyl-functional urethane (hydroxylated acrylic resin)—see col. 4:44 to col. 5, line 17 (claim 3).
- Reactive diluents, such as monomeric and/or oligomeric (meth) acrylic esters, such as hexandiol diacrylate—see col. 6 lines 60-65. Said reactive diluents are used in amounts from 1 to 50 wt%—see col. 6, line 52.
- Solvents, such as water or organic solvents (methyl ether ketone or aliphatic hydrocarbons)—see col. 8, lines 63 to col. 9, line 12 (claim 8).
- Photoinitiators, such as benzophenone and acylphosphine oxides in amounts from 0.1 to 7 wt%—see col. 8, lines 39-45 and 46-47 (claim 9).

Flosbach'291 does not expressly set forth the use of Irganox <sup>®</sup>1010 as an antioxidant. However, Flosbach'291 sets forth per column 8, lines 52-62 teaches conventional lacquer additives can be used in amounts familiar to those skilled in the art can be used. Flosbach et al (herein after Flosbach'501) sets forth a radiation curable clear coats and/top coats for uses in the automotive industry. Said lacquers comprise hydroxylated urethane (meth) acrylate functional oligomers, a reactive diluent, crosslinking agents, optional other binders, photoinitiators, solvents and other conventional additives, such as Irganox 1010—see coating examples 4 and 5, wherein the antioxidant Irganox

1010 is found in amounts of 0.8 wt%. Flosbach'291 and Flosbach'501 are analogous art because they are from the same field of endeavor that is the art of clear radiation curable coating compositions from automotive industry use. Therefore the examiner deems that one of ordinary would have found it obvious from the teachings of Flosbach'501 to add a conventional additive like an antioxidant, such as Irganox 1010, to the composition of Flosbach'291. The motivation would have been a reasonable expectation of successfully obtaining a transparent clear coating having the added benefit of oxidation resistance in the absence of evidence to the contrary. Thus the composition comprising Irganox®1010 is rendered obvious in view of the cited art combination.

Flosbach'291 teaches a broad range of hydroxylated acrylic resin in the composition from approximately 10 to 90 wt%; however this broad range is a combination of the hydroxylated acrylic resin with another resin in the composition and not the amount of hydroxylated acrylic resin alone in the composition. However, Inoue et al sets forth a transparent (clear) scratch resistant top-coat composition for automobiles (clear lacquer) comprising a hydroxylated acrylic resin and a solvent—see abstract; col. 1, lines 5-17' col. 16, lines 5 to column 17, line 25; col. 10, line 60 to col. 11, line 45; and col. 15, lines 21-30. Furthermore Inoue et al teaches said hydroxylated resin lowers water and acid resistance to the cured composition--see col. 14, lines 51 to 54 and column 16, lines 20-26. Flosbach'291 and Inoue et al are analogous art because they are from the same field of endeavor that is the art of clear radiation curable coating compositions from automotive industry use. The examiner deems at the time of the invention a person of ordinary skill in the art using the cited references would have found the claimed range of the hydroxylated resin obvious through routine experimentation in an effort to optimize curing properties while taking into account the water and acid resistance of the final product-- see *In re Aller*, 105 USPQ 223 (M.P.E.P 2144.05). The combination of art renders claims 1-2 obvious.

Per column 8, lines 52-62 Flosbach'291 teaches conventional lacquer additives, such as leveling agents, light stabilizers, and others in amounts familiar to those skilled in the art. The courts have upheld where the general

conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). Thus claims 11 and 33 are rendered obvious in view of the cited art. Wherein claim 12 is deemed rendered obvious by this teaching since light stabilizers and the silicone oil when used protection against light (solar radiation) and hydro-repellency will be conferred by these additives.

Flosbach'291; Flosbach'501 and Inoue render the basic claimed composition obvious as argued above. Flosbach'291 teaches said hydroxylated acrylic resin can contain carboxyl groups--see col. 3, line 4 and col. 5, line 54. However Flosbach'291 is silent with regard to carboxylic acid functionality being between 1 and 6 of the hydroxylated resin. However, it is known as suggested by Flosbach'501 to produce transparent radiation-curable clear coatings comprising hydroxylated acrylic resins, reactive diluents, Irganox 1010, photoinitiators, and solvents wherein said hydroxylated acrylic resin has a specified hydroxyl number and an acid value from 0 to 30 mg. Additionally, it is known from the teachings of Inoue et al, who also teach clear top-coatings for use in the automotive industry comprising hydroxylated acrylic resins having a carboxylic acid functionality from 2 to 6 to improve the adhesion and curability of the composition--see col. 16, lines 5-10. Flosbach'291, Flosbach'501, and Inoue et al are analogous art because they are from the same field of endeavor that is the art of clear radiation curable coating compositions from automotive industry use. The examiner deems at the time of the invention a person of ordinary skill in the art using the cited references would have found the claimed carboxylic acid number obvious through routine experimentation in an effort to optimize curing properties while taking into consideration the adhesion properties of the cured resin composition -- see *In re Aller*, 105 USPQ 223 (M.P.E.P 2144.05). The combination of art renders claims 4 and 32 obvious.

Flosbach'291 does not expressly set forth the photoinitiators set forth in instant claim 10; however Flosbach'291 does teach the addition of photoinitiators, such as benzophenone, benzoin, cyclic ketone, acryl phosphine oxide and their derivatives as useable photoinitiators. Flosbach'501 sets forth

the use of Darocure® 1173 and Irgacure®819, which are 1-hydroxy-2-methyl-1-phenylpropan-1-one and 2, 4, 6-trimethylbenzoyl-bisphenyl phosphine oxide, respectively. Therefore the examiner deems that it would have been obvious to use hydroxy-2-methyl-1-phenylpropan-1-one and 2, 4, 6-trimethylbenzoyl-bisphenyl phosphine oxide, as suggested by Flosbach'501, as the photoinitiators in the compositions as suggested by Flosbach'291.

Regarding claims 34 and 36, Flosbach'291, alone or in combination, does not teach the use of Tinuvin®400 specifically; but Flosbach'291 does set forth conventional lacquer additives, such as light stabilizers as additional components--see col. 8, line 60. It is deemed that light stabilizers, such as Tinuvin® 400 are a known light stabilizer in the UV curable clear-coat lacquer art when used for automotive applications, such as taught by Flosbach'501. Flosbach'501 is described above. Flosbach'501 teaches in coating examples 4 and 5 the use of Tinuvin®400 as a UV light stabilizer. Thus it is deemed that one of ordinary skill in the art, at the time of the invention using the combined reference teachings, to use Tinuvin® as suggested by Flosbach'501 in the composition of Flosbach'291, alone or in combination. The motivation would have been a reasonable expectation of obtaining a UV cured transparent top/clear coat onto a substrate that have adequate light stability, i.e. resistance to fading over time, in the absence to arguments and/or unexpected results.

8. Claims 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over as cited above.

9. The combination of Flosbach'291, Inoue et al and Flosbach'501 has been deemed combinable for the above reasons. Neither Flosbach'291 nor Flosbach'501 teach the use of BYK® UV 3500. However, as stated above Flosbach et al teaches additional conventional lacquer additives can be used in the composition, wherein leveling agents such as silicone oils and polyacrylate homopolymers are mentioned. Additionally, it is known from the teachings of Flosbach'501 that leveling agents such as BYK®345 are known in UV curable transparent top/clear coatings used in the automotive industry. It is acknowledged that BYK®345 is not BYK® UV3500; however the examiner deems that BYK 345 is a polyether modified siloxane leveling agent that

has hydro-repellency properties--see data guide on the PTO\_892. Per applicant's definition of BYK UV3500 and the product guide (data sheet) from Ciba, it is an acrylic polyether modified silicone resin used for leveling and hydro-repellency properties. The examiner deems that a person of ordinary skill in the art, at the time of the invention, would have found it at least obvious to try the use of BYK UV3500 in the place of the known leveling agent BYK 345 as taught by Flosbach'501 as the leveling agent for use in the transparent UV curable coating composition of Flosbach'291. The motivation would have been a reasonable expectation of obtaining a used clear coating varnish having the desired leveling properties, as well as, hydro-repellency that will not leach out, over time, since it will be bound within the cured matrix of the coating composition since BYK UV 3500 has acrylic reactive groups in the absence of evidence and/or unexpected results.

10. Claims 1-4, 8-12, and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flosbach et al (6,332,291) in view of Inoue et al (6,522,392) and Huybrechts et al (5,997,256)

11. Flosbach et al (herein after Flosbach'291) sets forth automotive lacquers that are transparent and radiation curable, wherein said lacquer comprises:

- A hydroxyl containing (meth) acryloyl-functional urethane (hydroxylated acrylic resin)—see col. 4:44 to col. 5, line 17 (claim 3).
- Reactive diluents, such as monomeric and/or oligomeric (meth) acrylic esters, such as hexandiol diacrylate—see col. 6 lines 60-65. Said reactive diluents are used in amounts from 1 to 50 wt%—see col. 6, line 52.
- Solvents, such as water or organic solvents (methyl ether ketone or aliphatic hydrocarbons)—see col. 8, lines 63 to col. 9, line 12 (claim 8).
- Photoinitiators, such as benzophenone and acylphosphine oxides in amounts from 0.1 to 7 wt%—see col. 8, lines 39-45 and 46-47 (claim 9).

Flosbach'291 does not expressly set forth the use of Irganox \*1010 as an antioxidant. However, Flosbach'291 sets forth per column 8, lines 52-62 teaches conventional lacquer additives can be used in amounts familiar to those skilled in the art can be used. Huybrechts et al teaches clear coats and/top

coats for uses in the automotive industry comprising hydroxylated acrylic resins and other conventional additives, such as Irganox 1010--see col. 1, lines 5-40, 44-68; col. 7, lines 18-24, and the 2nd table in column 11., wherein the antioxidant Irganox 1010 is found in amounts of approximately from 2 to 30 wt%. Flosbach'291 and Huybrechts et al are analogous art because they are from the same field of endeavor that is the art of clear coating compositions from automotive industry use. Therefore the examiner deems that one of ordinary would have found it obvious from the teachings of Huybrechts et al to add a conventional additive like an antioxidant, such as Irganox 1010, to the composition of Flosbach'291. The motivation would have been a reasonable expectation of successfully obtaining a transparent clear coating having the added benefit of oxidation resistance in the absence of evidence to the contrary. Thus the composition comprising Irganox®1010 is rendered obvious in view of the cited art combination, wherein the courts have upheld that it is obvious to added known ingredients for their known properties--see *in re Linder*.

Flosbach'291 teaches a broad range of hydroxylated acrylic resin in the composition from approximately 10 to 90 wt%; however this broad range is a combination of the hydroxylated acrylic resin with another resin in the composition and not the amount of hydroxylated acrylic resin alone in the composition. However, Inoue et al sets forth a transparent (clear) scratch resistant top-coat composition for automobiles (clear lacquer) comprising a hydroxylated acrylic resin and a solvent--see abstract; col. 1, lines 5-17' col. 16, lines 5 to column 17, line 25; col. 10, line 60 to col. 11, line 45; and col. 15, lines 21-30. Furthermore Inoue et al teaches said hydroxylated resin lowers water and acid resistance to the cured composition--see col. 14, lines 51 to 54 and column 16, lines 20-26. Flosbach'291 and Inoue et al are analogous art because they are from the same field of endeavor that is the art of clear radiation curable coating compositions from automotive industry use. The examiner deems at the time of the invention a person of ordinary skill in the art using the cited references would have found the claimed range of the hydroxylated resin obvious through routine experimentation in an effort to optimize curing properties while taking into account the water and acid

resistance of the final product-- see *In re Aller*, 105 USPQ 223 (M.P.E.P 2144.05). The combination of art renders claims 1-2 obvious.

Per column 8, lines 52-62 Flosbach'291 teaches conventional lacquer additives, such as leveling agents, light stabilizers, and others in amounts familiar to those skilled in the art. The courts have upheld where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation." *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). Thus claims 11 and 33 are rendered obvious in view of the cited art. Wherein claim 12 is deemed rendered obvious by this teaching since light stabilizers and the silicone oil when used protection against light (solar radiation) and hydro-repellency will be conferred by these additives.

Flosbach'291; Flosbach'501 and Inoue render the basic claimed composition obvious as argued above. Flosbach'291 teaches said hydroxylated acrylic resin can contain carboxyl groups--see col. 3, line 4 and col. 5, line 54. However Flosbach'291 is silent with regard to carboxylic acid functionality being between 1 and 6 of the hydroxylated resin. However, it is known as suggested by Flosbach'501 to produce transparent radiation-curable clear coatings comprising hydroxylated acrylic resins, reactive diluents, Irganox 1010, photoinitiators, and solvents wherein said hydroxylated acrylic resin has a specified hydroxyl number and an acid value from 0 to 30 mg. Additionally, it is known from the teachings of Inoue et al, who also teach clear top-coatings for use in the automotive industry comprising hydroxylated acrylic resins having a carboxylic acid functionality from 2 to 6 to improve the adhesion and curability of the composition--see col. 16, lines 5-10. Flosbach'291, Flosbach'501, and Inoue et al are analogous art because they are from the same field of endeavor that is the art of clear radiation curable coating compositions from automotive industry use. The examiner deems at the time of the invention a person of ordinary skill in the art using the cited references would have found the claimed carboxylic acid number obvious through routine experimentation in an effort to optimize curing properties while taking into consideration the adhesion

properties of the cured resin composition -- see *In re Aller*, 105 USPQ 223 (M.P.E.P 2144.05). The combination of art renders claims 4 and 32 obvious.

Flosbach'291 does not expressly set forth the photoinitiators set forth in instant claim 10; however Flosbach'291 does teach the addition of photoinitiators, such as benzophenone, benzoin, cyclic ketone, acryl phosphine oxide and their derivatives as useable photoinitiators. Flosbach'501 sets forth the use of Darocure® 1173 and Irgacure®819, which are 1-hydroxy-2-methyl-1-phenylpropan-1-one and 2, 4, 6-trimethylbenzoyl-bisphenyl phosphine oxide, respectively. Therefore the examiner deems that it would have been obvious to use hydroxy-2-methyl-1-phenylpropan-1-one and 2, 4, 6-trimethylbenzoyl-bisphenyl phosphine oxide, as suggested by Flosbach'501, as the photoinitiators in the compositions as suggested by Flosbach'291.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L. McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sanza L McClendon/  
Primary Examiner, Art Unit 1796

SMc